

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FINJAN LLC,
Plaintiff,
v.
PALO ALTO NETWORKS, INC.,
Defendant.

Case No. [3:14-cv-04908-JD](#)

ORDER RE MOTIONS TO SEAL

A hallmark of our federal judiciary is the “strong presumption in favor of access to court records.” *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003); *see In re Google Play Store Antitrust Litig.*, 556 F. Supp. 3d 1106, 1107 (N.D. Cal. 2021). Public access maintains confidence in the fair and impartial administration of justice, and protects the integrity and independence of the courts. This is why the business of the federal judiciary is done in open court.

In limited circumstances, there may be grounds for curtailing public access. This is an exception to the rule, and so a party requesting that a document or evidence be sealed from the public needs to present a good reason explaining why. A particularized showing of good cause is required to seal documents related to non-dispositive motions, and a compelling reason supported by specific facts is needed before the Court will consider sealing records involving dispositive motions such as a summary judgment motion. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006); *DZ Rsrv. v. Facebook, Inc.*, No. 18-cv-04978-JD, 2021 WL 75734, at *1 (N.D. Cal. Jan. 8, 2021). General assertions of potential competitive or commercial harm are not enough to establish good cause for sealing court records, and the “fact that the parties may have designated a document as confidential under a stipulated protective order is also not enough to justify sealing.” *In re Google Play Store*, 556 F. Supp. 3d at 1107.

1 This order addresses a slew of sealing motions. Dkt. Nos. 195, 199, 203, 208, 229, 234,
2 237, 241. The Court's sealing determinations are stated in the attached chart. *See* Ex. A. All
3 sealing requests that are granted may be revisited as circumstances warrant. *See* Civil L.R. 79-
4 5(g)(1) ("When the Court grants a motion to seal or otherwise permits a document to remain under
5 seal, the document will remain under seal until further order of the Court.").

6 The "default posture of public access prevails" for the documents, or portions thereof,
7 that the Court declines to seal. *In re Google Play Store*, 556 F. Supp. 3d at 1108 (quoting
8 *Kamakana*, 447 F.3d at 1182). The parties are directed to file unredacted versions of the relevant
9 documents on ECF within 7 days of this order. Civil L.R. 79-5(g).

10 **IT IS SO ORDERED.**

11 Dated: August 14, 2023

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JAMES DONATO
United States District Judge

Exhibit A to Order re Motions to Seal

Document	Information sought to be sealed	Proffered reason for sealing	Ruling
PAN's Motion to Strike Finjan's Infringement Contentions for the '154, '408, and '731 Patents, Dkt. No. 195-3	Highlighted portions of pages 7, 8, and 12	Contains specific details of the PAN-OS and hardware source code that runs PAN's Next-Generation Firewall (NGFW) products. (Dkt. No. 195-1 ¶ 4)	Granted. The proposal is narrowly tailored to prevent disclosure of specific technical information/source code.
Exhibit 2 to the Van Nort Decl. ISO PAN's Motion to Strike, Dkt. No. 195-4	Highlighted portions of pages 184-206, 264-65, 294-96	Contains specific details, pathnames, and filenames of the PAN-OS and hardware source code that runs PAN's NGFW products. (Dkt. No. 195-1 ¶¶ 4-5).	Granted. See ruling re Dkt. No. 195-3.
Exhibit 3 to the Van Nort Decl. ISO PAN's Motion to Strike, Dkt. No. 195-5	Highlighted portions of pages 108-09, 121-29	Contains specific details, pathnames, and filenames of the PAN-OS source code that runs PAN's NGFW products. (Dkt. No. 195-1 ¶¶ 4-5).	Granted. See ruling re Dkt. No. 195-3.
Exhibit 4 to the Van Nort Decl. ISO PAN's Motion to Strike, Dkt. No. 195-6	Highlighted portions of pages 111-12, 116, 118-25, 144-49, 165	Contains specific details, pathnames, and filenames of the PAN-OS and hardware source code that runs PAN's NGFW products, and specific technical details re PAN's WildFire products. (Dkt. No. 195-1 ¶¶ 4-5).	Granted. See ruling re Dkt. No. 195-3.
Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 199-2	Highlighted portions of pages 6, 9, 10-12, 15	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW and WildFire products. (Dkt. No. 199-1 ¶¶ 4-6.)	Granted. The proposal is narrowly tailored to prevent disclosure of specific technical information/source code.

Document	Information sought to be sealed	Proffered reason for sealing	Ruling
Exhibit B to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 199-3	Highlighted portions of pages 3 and 7	Reflects specific details of source code and specific technical details re PAN's NGFW products. (Dkt. No. 199-1 ¶¶ 4, 6.)	Granted. See ruling re Dkt. No. 199-2.
Exhibit C to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 199-4	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW and WildFire products. (Dkt. No. 199-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 199-2.
Exhibit D to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 199-5	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW and WildFire products. (Dkt. No. 199-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 199-2.
Exhibit E to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 199-6	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW and WildFire products. (Dkt. No. 199-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 199-2.
PAN's Reply ISO Motion to Strike, Dkt. No. 203-3	Highlighted portions of pages 4, 7, and 8	Contains specific details of the PAN-OS and hardware source code that runs PAN's NGFW products. (Dkt. No. 203-1 ¶ 4.)	Granted. The proposal is narrowly tailored to prevent disclosure of specific technical information/source code.

Document	Information sought to be sealed	Proffered reason for sealing	Ruling
Discovery Dispute Letter re Finjan's Patent Valuations, Dkt. No. 208-3	Highlighted portions of pages 2 and 3	Includes information designated as "highly confidential -- attorneys' eyes only" by Finjan. (Dkt. No. 208-1 ¶ 4.)	Denied. Finjan did not file a sealing statement or declaration in response. <i>See</i> Civil L.R. 79-5(f)(3). While the docket entry for Dkt. No. 214 indicates that it is a response, it is a duplicate of the letter brief at Dkt. No. 215.
Exhibit A to Discovery Dispute Letter re Finjan's Patent Valuations; Finjan's September 3, 2021 Privilege Log, Dkt. No. 208-4	Entire document	Document is designated as "highly confidential -- attorneys' eyes only" by Finjan. (Dkt. No. 208-1 ¶ 4.)	Granted. While Finjan did not file a sealing statement or declaration in response (<i>see</i> ruling re Dkt. No. 208-3), there is good cause for keeping the privilege log under seal.
PAN's Motion to Strike Finjan's Experts' Undisclosed Infringement Theories, Dkt. No. 229-3	Highlighted portions of page 6	Contains specific technical details of PAN-OS and the hardware that runs PAN's NGFW products. (Dkt. No. 229-1 ¶ 4.)	Granted. The proposal is narrowly tailored to prevent disclosure of specific technical information/source code.
Exhibit 1 to DeStefano Decl. ISO PAN's Motion to Strike, Dkt. No. 229-4	Highlighted portions of pages 3-8, 10-13, 15-18, 20-22, 24-25, 27-31, 35-39	Contains specific technical details of PAN-OS and the hardware that runs PAN's NGFW products. (Dkt. No. 229-1 ¶ 4.)	Granted. <i>See</i> ruling re Dkt. No. 229-3.
Exhibit 2 to DeStefano Decl. ISO PAN's Motion to Strike, Dkt. No. 229-5	Highlighted portions of pages 1-4	Contains specific technical details of PAN-OS and the hardware that runs PAN's NGFW products. (Dkt. No. 229-1 ¶ 4.)	Granted. <i>See</i> ruling re Dkt. No. 229-3.

Document	Information sought to be sealed	Proffered reason for sealing	Ruling
Exhibit 4 to DeStefano Decl. ISO PAN's Motion to Strike, Dkt. No. 229-6	Highlighted portions of pages 1-2	Contains specific technical details of PAN-OS and the hardware that runs PAN's NGFW products. (Dkt. No. 229-1 ¶ 4.)	Granted. See ruling re Dkt. No. 229-3.
Exhibit 5 to DeStefano Decl. ISO PAN's Motion to Strike, Dkt. No. 229-7	Highlighted portions of page 1	Contains specific technical details of PAN-OS and the hardware that runs PAN's NGFW products. (Dkt. No. 229-1 ¶ 4.)	Granted. See ruling re Dkt. No. 229-3.
Exhibit 6 to DeStefano Decl. ISO PAN's Motion to Strike, Dkt. No. 229-8	Highlighted portions of pages 57, 72-73	Contains specific technical details of PAN-OS and the hardware that runs PAN's NGFW products. (Dkt. No. 229-1 ¶ 4.)	Granted. See ruling re Dkt. No. 229-3.
Exhibit 8 to DeStefano Decl. ISO PAN's Motion to Strike, Dkt. No. 229-9	Highlighted portions of pages 73-76	Contains specific technical details, pathnames, and filenames of PAN-OS and the hardware that runs PAN's NGFW products. (Dkt. No. 229-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 229-3.
Finjan's Opposition to PAN's Motion to Strike Finjan's Experts' Undisclosed Infringement Theories, Dkt. No. 234-2	Highlighted portions of pages 2-15	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶¶ 4-6.)	Granted. The proposal is narrowly tailored to prevent disclosure of specific technical information/source code.
Exhibit A to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 234-3	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 234-2.

Document	Information sought to be sealed	Proffered reason for sealing	Ruling
Exhibit B to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 234-4	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 234-2.
Exhibit C to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 234-5	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 234-2.
Exhibit D to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 234-6	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 234-2.
Exhibit E to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 234-7	Entirety of excerpted document	Reflects specific details of source code, specific pathnames and filenames of source code, or specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶¶ 4-6.)	Granted. See ruling re Dkt. No. 234-2.
Exhibit F to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 234-8	Entirety of excerpted document	Reflects specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶ 6.)	Granted. See ruling re Dkt. No. 234-2.
Exhibit G to Jarvis Decl. ISO Finjan's Opposition to PAN's Motion to Strike, Dkt. No. 234-9	Entirety of excerpted document	Reflects specific technical details re PAN's NGFW products. (Dkt. No. 234-1 ¶ 6.)	Granted. See ruling re Dkt. No. 234-2.

Document	Information sought to be sealed	Proffered reason for sealing	Ruling
PAN's Reply ISO of Motion to Strike Finjan's Experts' Undisclosed Infringement Theories, Dkt. No. 241-3	Highlighted portions of pages 3-6	Contains specific technical details re PAN's NGFW and WildFire products, as well as pathnames and filenames of the PAN-OS source code that runs PAN's NGFW products. (Dkt. No. 241-1 ¶¶ 4-5.)	Granted. The proposal is narrowly tailored to prevent disclosure of specific technical information/source code.
Amended Exhibit 1 to DeStefano Decl. ISO PAN's Reply, Dkt. No. 241-4	Highlighted portions of pages 1-8, 10-22, 24-28	Contains specific technical details re PAN's NGFW products. (Dkt. No. 241-1 ¶ 4.)	Granted. See ruling re Dkt. No. 241-3.
Exhibit 2 to DeStefano Decl. ISO PAN's Reply, Dkt. No. 241-5	Highlighted portions of pages 1-4	Contains specific technical details re PAN's NGFW products. (Dkt. No. 241-1 ¶ 4.)	Granted. See ruling re Dkt. No. 241-3.
Exhibit 17 to DeStefano Decl. ISO PAN's Reply, Dkt. No. 241-6	Highlighted portions of pages 41-44	Contains specific technical details re PAN's WildFire products. (Dkt. No. 241-1 ¶ 4.)	Granted. See ruling re Dkt. No. 241-3.
Exhibit 18 to DeStefano Decl. ISO PAN's Reply, Dkt. No. 241-7	Highlighted portions of pages 217-19	Contains specific technical details re PAN's WildFire products. (Dkt. No. 241-1 ¶ 4.)	Granted. See ruling re Dkt. No. 241-3.